

**TENTH DAY**  
(Monday, January 31, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Vale, Washington, Williams.

Absent-excused: Caperton, Lyon, Uribe, Whitmire.

A quorum was announced present.

Pastor Floyd L. Vick, Shettles Memorial United Methodist Church, Austin, offered the invocation as follows:

Almighty God, we stand in Your presence, aware of Your love and compassion for all people. As this august body of leaders undertakes the duties of this day, may they do so with the benefit of Your grace and counsel. The mantle of responsibility has been placed upon them to direct the forces of government with administrative competence, fiscal accountability and social compassion.

"We know that in every thing God works for good with those who love Him, who are called according to His purpose." These persons are called to this task, this day. Bless them.

In His Name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 27, 1983, was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Washington.

Senator Caperton was granted leave of absence for today on account of important business on motion of Senator Edwards.

Senator Uribe was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Mauzy.

**CO-AUTHORS OF SENATE BILL 29**

On motion of Senator Traeger and by unanimous consent, Senators Lyon, Glasgow and Montford will be shown as Co-authors of S.B. 29.

**CO-AUTHOR OF SENATE BILL 205**

On motion of Senator Uribe and by unanimous consent, Senator Sharp will be shown as Co-author of S.B. 205.

**CO-AUTHOR OF SENATE BILL 78**

On motion of Senator Brooks and by unanimous consent, Senator Sarpalius will be shown as Co-author of S.B. 78.

**REPORT OF STANDING COMMITTEE**

Senator Harris submitted the following report for the Committee on Economic Development:

**S.B. 105** (Amended)  
**S.B. 136**

**MESSAGE FROM THE HOUSE**

House Chamber  
January 31, 1983

**HONORABLE W. P. HOBBY**  
**PRESIDENT OF THE SENATE**

**SIR:** I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 38**, Granting either House permission to adjourn for more than three days beginning February 3 and ending February 7, 1983.

Respectfully,

**BETTY MURRAY**, Chief Clerk  
House of Representatives

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 259** by Sharp Intergovernmental Relations  
Relating to the authority to fill a vacancy in the office of a joint district-county clerk.

**S.B. 260** by Parmer State Affairs  
Relating to the regulation of utilities, continuation of the Public Utilities Commission of Texas and election of members.

**S.B. 261** by Sharp Economic Development  
Relating to the perfection of a security interest in a motor vehicle.

**S.B. 262** by Sharp Economic Development  
Relating to security interests and other liens in motorboats and outboard motors.

**S.B. 263** by Doggett, Blake, Caperton Finance  
Relating to state reimbursement of cities for the costs the cities incur in providing certain services to the state.

**S.B. 264** by Traeger Economic Development  
Relating to payment of certain insurance premiums for employees of state colleges and universities.

**S.B. 265** by Parker Natural Resources  
Relating to the creation, administration, and operation of the water bond guaranty program.

**S.B. 266** by Parker Health and Human Resources  
Relating to the housing functions of the Texas Department of Community Affairs and the Texas Housing Agency.

**S.B. 267** by Parker State Affairs  
Relating to the effect of confinement in another penal institution on the duration of a sentence to be served in the Texas Department of Corrections.

**S.B. 268** by Parker Intergovernmental Relations  
Relating to the creation of the 344th Judicial District, composed of Chambers County.

**S.B. 269** by Parker State Affairs  
Relating to the issuance of identification cards to disabled persons for use in parked vehicles.

**S.B. 270** by Doggett State Affairs  
Relating to the operation of the crime victims compensation fund and the Industrial Accident Board.

**S.J.R. 9** by Parker Natural Resources  
Proposing a constitutional amendment to authorize state guarantee of certain local government bonds and other obligations and to increase the allowable interest rate on certain bonds.

**S.C.R. 24** by Parmer Administration  
Granting Empire Electric Company, Inc., or Great Southwest Construction Corporation permission to sue the State.

**S.C.R. 25** by Parker Health and Human Resources  
Urging state pension systems to make investments benefiting the housing industry.

#### HOUSE CONCURRENT RESOLUTION 38

The President laid before the Senate the following resolution:

**H.C.R. 38**, Granting either House permission to adjourn for more than three days beginning February 3, and ending February 7, 1983.

The resolution was read.

On motion of Senator Blake and by unanimous consent, the resolution was considered immediately and was adopted.

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas  
January 27, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE EXECUTIVE DIRECTOR OF THE CRIMINAL JUSTICE DIVISION to serve at the pleasure of the Governor: GILBERT J. PENA of Austin, Travis County, Texas who is to replace David Herndon of Austin, Travis County, Texas.

Respectfully submitted,

/s/Mark White  
Governor of Texas

**MOTION TO PLACE COMMITTEE SUBSTITUTE  
SENATE BILL 11 ON SECOND READING**

Senator Mauzy asked unanimous consent to suspend the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules to take up for consideration at this time:

**C.S.S.B. 11**, Relating to the quorum and the number of votes required for a commissioners court to levy a tax.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **C.S.S.B. 11** for consideration at this time.

The motion was lost by the following vote: Yeas 22, Nays 5. (Not receiving four-fifths vote of Members of Senate)

Yeas: Blake, Brooks, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Traeger, Truan, Vale, Williams.

Nays: Brown, Howard, Sarpalius, Sims, Washington.

Absent-excused: Caperton, Lyon, Uribe, Whitmire.

**COMMITTEE SUBSTITUTE SENATE BILL 80 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 80**, Relating to the certification of fire protection personnel.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **C.S.S.B. 80** by deleting Subdivision (1) of Section 1b of SECTION 2 and substituting the following:

"(1) 'Fire protection personnel' means all full-time, paid municipal fire department positions engaging in fire protection, including fire prevention, fire suppression, and arson investigation."

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 80 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 80** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Lyon, Uribe, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Caperton, Lyon, Truan, Whitmire.

#### **SENATE BILL 154 BILL ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 154**, Relating to the enforcement of disabled parking laws; amending Subsection (b), Section 6A, Chapter 338, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 6675a-5e.1, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 154 ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 154** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Lyon, Uribe, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Caperton, Lyon, Uribe, Whitmire.

#### **CONGRATULATORY RESOLUTIONS**

**S.R. 87** - By Caperton: Extending congratulations to Mr. and Mrs. Albert Mueller.

**S.R. 88** - By Caperton: Extending congratulations to Mr. and Mrs. A. B. Cannon.

**S.R. 89** - By Caperton: Extending congratulations to Miss Vlasta Mucala.

**S.R. 90** - By Caperton: Extending congratulations to Mr. and Mrs. Willie Williams.

**S.R. 91** - By Caperton: Extending congratulations to Mr. and Mrs. Johnnie Harper.

**S.R. 92** - By Caperton: Extending congratulations to Mr. and Mrs. Charles E. Parker.

**S.R. 93** - By Caperton: Extending congratulations to Otto Williams Ashorn.

#### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:36 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.